

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
HABERMANN, *et al.*

Examiner: **STEADMAN, David J.**

Art Unit: **1652**

Serial No.: **10/076,632**

Filed: **February 19, 2002**

Title: **NUCLEIC ACIDS ENCODING
HIRUDIN FUSION PROTEINS AND
METHODS FOR PRODUCING
HIRUDIN FUSION PROTEINS
[AMENDED TITLE]**

TERMINAL DISCLAIMER UNDER 37 CFR §1.321(d)

Dear Sir:

Sanofi-aventis Deutschland GmbH [hereinafter “sanofi-aventis”], at Frankfurt am Main, Germany, is the owner of the whole and entire right, title and interest of United States Patent Application Serial No. 10/076,632 [hereinafter “the present application”]. Sanofi-aventis’s ownership of the present application is evidenced by an assignment by the inventor of the present application to Aventis Pharma Deutschland GmbH recorded with the U.S. Patent and Trademark Office on May 9, 2002 at reel 012882, frame 0467 and a name change from Aventis Pharma Deutschland GMBH to Sanofi-Aventis Deutschland GmbH recorded with the U.S. Patent and Trademark Office on November 11, 2005 at reel 016793, frame 0789.

Sanofi-aventis is also an owner of United States Patent No. 7,202,059 [hereinafter “the patent”]. Sanofi-aventis’s ownership of the patent is evidenced by an assignment by the inventors of the patent to Aventis Pharma Deutschland GmbH recorded with the U.S. Patent and Trademark Office at reel 013048, frame 0179, and a name change from Aventis Pharma Deutschland GmbH to Sanofi-aventis Deutschland GmbH recorded with the U.S. Patent and Trademark Office at reel 016793, frame 0789. Reel 017737, frame 0647, evidences a joint invention agreement whereby Wacker-Chemie GmbH and Sanofi-aventis Deutschland GmbH are assignees. Change of Name and Correction of Address

assignments are recorded at reel 017903, frame 0811; reel 0179919, frame 0031; and reel 018119/0426. Assignees are Sanofi-aventis Deutschland GmbH and Wacker-Chemie AG.

Applicants hereby disclaim, except as provided below, the terminal part of the statutory term of any patent granted on the present application, which would extend beyond the expiration date of the earlier of the full statutory term defined in 35 U.S.C. § 154 and § 156 as shortened by any terminal disclaimer of the patent and hereby waive the right to separately enforce any patent granted on the present application and the patent, and agree that any patent granted on the present application shall be enforceable only for and during such period that the patent and any patent granted on the present application are not separately enforced.

In making the above disclaimer, sanofi-aventis does not disclaim any terminal part of any patent granted on the present application prior to the expiration date of the earlier of the term defined in 35 U.S.C. § 154 and of the term as presently shortened by any terminal disclaimer of the patent in the event that said patent later: (a) expires for failure to pay a maintenance fee; (b) is held unenforceable; (c) is found invalid by a court of competent jurisdiction; (d) is statutory disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a); (e) has all claims canceled by a reexamination certificate; (f) is reissued in any matter; or (g) is otherwise not deemed to provide the rights conveyed by 35 U.S.C. § 154 prior to the expiration of its full statutory term as shortened by any terminal disclaimer, except for the separation of legal title stated above.

Please charge Deposit Account No. 18-1982 in the amount of \$130.00, pursuant to C.F.R. § 1.20(d), to cover the cost of the filing this Terminal Disclaimer. Any deficiency or overpayment should be charged or credited to Deposit Account No. 18-1982.

Respectfully submitted,

/George S. Jones/
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